SPEECH

OF

HON. H. W. HARRINGTON,

OF INDIANA,

DELIVERED

IN THE HOUSE OF REPRESENTATIVES, MARCH 26, 1864.

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SPEECH.

The House being in Committee of the Whole on the state of the Union—

Mr. HARRINGTON said:

Mr. CHAIRMAN: I address the committee to-day with feelings far from buoyant for the future of the country. At the time I took my seat in this Hall it was not my intention to occupy any of its time in the Committee of the Whole, leaving to other gentlemen on this side of the House the matter of discussion. I designed to record my votes and aid in such legislation as I believed to be most conducive to the welfare of a distracted country. But, sir, I represent directly on this floor twelve thousand electors, whose opinions in general as to the conduct and policy of this Administration correspond with my own, and who cannot be heard by the nation except through the voice of their Representative; and further, sir, the conservative element in this House is in the minority, and subjected constantly to the anathemas and unjust insinuations of a fanatical and merciless majority, who labor assiduously to add to the necessary confusion of the times strife, discord, distrust, and terror among the citizens of the States represented by their armies in the Federal field and by their dead inhumed in the soil of many battle-fields.

These considerations in mind, I feel it would be little less than moral cowardice to be silent. I have not the vanity to suppose, sir, I can add anything to that which has been already said by gentlemen during our present session; but in this hour of trial and uncertainty the conservative element of the country has a right to the moral force of the convictions of the public mind in every portion of the country.

Mr. Chairman, from the day in which the batteries at Charleston harbor had done their work upon Fort Sumter to this hour, the fact of the existence of a war between the Federal Government and a portion of the States constituting in part the political and constitutional Union of the Government, and the necessity of maintaining that war until such time as might offer a restoration of the Union and peace to the country, has been recognized and acted upon by myself and the people of the country generally. The people of the non-seceding States with great unanimity have admitted the right and duty of the Government (its co-ordinate branches each performing its constitutional functions to that end) by force of armies to overcome resistance to the authority of the United States as conferred by the only power that gave us a Union or created any obligations toward that Union upon the States or the people, the organic law. From that source alone Congress and the Chief Executive, representing the war power, derive authority to take up arms against the seceding States, and that right exists as a power to preserve the unity of the States and enforce and discharge the mutual obligations of the several States, the people and the General Government, because that unity and those obligations are created by the instrument. We have no Federal nation, sir, except that created by the Constitution; the people never assented to any other nationality as a Union; from that our Government derived existence, and from that must receive its nourishment or perish. The President in his proclamation of April 15, 1861, acknowledges fully the foregoing principles. He says:

"Whereas the laws of the United States have been for some time past and now are opposed, and the execution thereof obstructed, in the States of South Carolina, Georgia, Alabama, Florida, Mississippi, Louisiana, and Texas, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the marshals by law:

"Now, therefore, I, Abraham Lincoln, President of the United States, in virtue of the power in me vested by the Constitution and the laws, have thought fit to call forth, and hereby do call forth, the militia of the several States of the Union, to the aggregate number of seventy-five thousand, in order to suppress said combinations, and to cause the laws to be duly executed."

The same position was taken in his inaugural. These official announcements to the country met with a warm and patriotic response, without regard to party differences. The conviction that the President designed to enforce the Constitution and laws of the United States and preserve the property of the General Government in the seceded States and hold them as political organizations in the status given them by the Constitution, and that the President would act in good faith to that end, surrounded him at once with all the material and executory aid desirable; millions of money raised by banking corporations, cities, and towns, donations of citizens and appropriations of Congress, furnished ample means for munitions and expenses of war. The country swarmed with hundreds of thousands of sturdy freemen moving toward the capital like a swollen torrent to increase the armies of the Government. Under the call

for seventy-five thousand men more than two hundred thousand responded. In July, 1861, the President said, officially:

"One of the greatest perplexities of the Government is to avoid receiving troops faster than it can provide for them. In a word, the people will save their Government if the Government itself will do its part only indifferently well."

Sir, he had reason to say so, for a generous and confiding people, from the Atlantic to the Pacific, from the Canadas to the borders of the rebellious States, gave a simultaneous response to the calls of the country. To use the language of the President, sir, "The response of the country was most gratifying, surpassing in unanimity and spirit the most sanguine expectation." I have referred to the pledges of the President. On the 22d day of July, 1862, the resolution of the lamented Crittenden passed this House with great unanimity, and thereby the legislative and executive powers were pledged to preserve the Union under the Constitution, and in strict obedience to its provisions. At a later period of our history it was declared by a majority in this House, and by the President, that volunteering had nearly ceased, and that compulsory legislation was necessary to fill up our depleted Army, and that a conscript law was the next step necessary to carry on the war. A change in the public mind had been wrought by means, sir, of so marked a character, that Congress resorted to a conscript law, always odious to republics. They set up in the national capital of a free people that death skeleton of Austrian and French tyranny, and covered its hideous proportions under the garb of military necessity. Why, sir, this change in public sentiment? Who created the military necessity? Had the people lost their valor, or ceased to cherish and revere the institutions of our fathers? Sir, the President and his wicked advisers, if the necessity existed, were responsible for it. They had unblushingly, as we shall hereafter notice, broken faith with a generous and confiding people, and set the public mind afloat upon a sea of doubt. The love of free institutions filled our Army upon the first and second calls of the President, and the same noble impulse renders a people jealous of their rights at home, and sensitive to any indications of encroachments upon the established institutions of the country.

Mr. Lincoln, either from a want of appreciation of the attachment of the public mind to laws and civil rights, as indicated by the uneasiness of the people at his first departure from his pledges and the path of duty, or for some ulterior and sinister motive, followed other offensive acts with the suspension of the writ of *habeas corpus* in all the loyal States, placing at the malice, cupidity, or prejudice of military commandants and provost marshals the liberties of twenty million people. One flash over the wires, and the freedom of speech and of the press and the liberty of the citizen were as effectually blotted out as if they never had a place in the charter of liberty. Under the pestilential influence of this assumption of arbitrary power and lawless aggression the political and military subordinates of the President entered the peaceful abodes of citizens without warrant or process of law, dragged the inmates thence and confined them in loathsome dungeons and political bastiles, to remain without trial or a knowledge of the offense with which they were charged. Many now remain immured, ignorant of their destiny and of the real or pretended grounds of imprisonment.

Sir, at this session of Congress resolutions have been offered calling upon the proper Departments for information of the number and names of American citizens rotting away their existence in political dungeons, and the charges upon which they are imprisoned; the red-handed Jacobin element of this House finds means, under the rules, to smother investigation; but if a negro, in attempting to obtrude himself into a street car of this city, is ejected for his impudence, it is so grave a matter it must become the subject of reference to a committee of one branch of this body and the theme of legislative debate; but the sufferings of white men groaning in the damps and darkness of prison, to the fanatical mind of the hour are unworthy of alleviation or a passing notice. Sir, if prisoners of State are guilty of any crime against the laws, try and punish them—I would not exempt the guilty—but if they are the victims of a political persecution let them be heard, and restore them to their families and liberty which of right belongs to them.

The arbitrary power assumed and enforced by armed violence has overshadowed and rendered nearly powerless the judiciary of the country, has closed the peaceful and constitutional avenues to redress. An order issued in the department of Missouri, section second, says:

"All such prosecutions (suits for false imprisonment and destruction of property by military subordinates) are prohibited, except by consent of the commander of the district in which the prosecution is commenced, or by consent of higher military authority, which will always be granted when consistent with the ends of justice and interest of the service."

Here, sir, is the civil under the dragon foot of the military power; the peaceful and wronged citizen is forbidden the approach to the altar of justice unless permitted by the arbitrary pleasure of a military commander; and these are the modes by which the laws and the civil power of the country are to be restored! Such orders will soon envelop the entire country. In the border States have originated all the aggressions that have spread over the northern and western States. Such measures of the President, and corresponding acts of Congress, practically change and subvert the internal police regulations of the States, and are aimed, as I believe, at a social

and political revolution in all the States, that shall rest upon a consolidation of powers inconsistent with the existence of the States. *Constitutional* State rights are broken, and the fragments are gradually being drawn to the central Government.

These fundamental changes *must* be at the expense of some portion of the liberty of the people. Sir, it is my opinion that the confusion and corruptions they engender and protect, tend directly toward the subversion of free Government. I will not charge that the President and his partisans design to overthrow our institutions and permanently subvert the Government of our fathers; but I will assert he is fast approaching that rugged channel the shores of which are strewn with the wrecks of republics. The President's zeal or some ulterior motive is drawing him, step by step, from those palpable principles without which free government cannot exist; is inducing him in the States true in their fidelity to the institutions and laws of the country to overleap the Constitution and trample under foot personal rights. If he will consult history I think he will find he must soon reach that point from which there is no safety in return, but that onward in the path of aggression is the only resource for him who has ventured to remove the landmarks of constitutional liberty. Another alarming feature as to the condition of the country is that the legislative has become subordinate to the executive power, as is evidenced by the fact his acts in violation of constitutional rights and obligations are coated over with the forms of retroactive legislation. It is said, sir, a military necessity, a *monster* not known to our laws nor consistent with the genius of our institutions, warrants a disregard of the laws of the country; but I submit to you, sir, if the demand is conceded, we have neither the form nor substance of free institutions left. It would place at the absolute will of one man the liberty of the subject, the entire resources of the country, and the power of self-aggrandizement. No matter upon what plea the concession is made, the fact still remains; it is the Government of *one man* and not a Government of the people.

Sir, the acts warranted by the supposed necessity are not defined by any law or tradition of the country, and must depend upon the will and caprice of the President. Say you he is well disposed and of honest purpose? Grant it if you desire. But the people cannot be unconscious of the fact that he is surrounded and influenced by the sycophants of power festering in the corruptions of the times; that the scepter of State tremulously vacillates between irresponsible factions, who would uproot practical constitutional government and transplant in its place the Utopia of fanatical dreamers. The axiom of the French constitution *was*, "As wills the king so wills the law." In that was involved arbitrary arrests, the graspings of sovereign power, and the long catalogue of wrongs which mark in history the beaten road to the revolution which stained France with the blood of millions of victims and which brought to the surface a Marat, a Robespierre, and their bloody coadjutors, who in the name of universal liberty disgraced humanity and sowed in the breast of France the poisonous seeds which rendered abortive the labors and sufferings of her people and prostrated her at the feet of a new despotism. Sir, look over the acts of the last Congress and the files of this session and you will find the slavish axiom of the French constitution acted upon in some instances and certainly recognized. Violations of well-defined rights are attempted to be legalized, involving not only wrongs to the citizen but millions of money squandered for illegitimate purposes.

Sir, another cause of alarm, discontent, and anxiety to the public mind in the loyal States is the interferences with the freedom of elections by military officers for partisan purposes. In many of the loyal States this has become a systematized plan, and peaceful citizens from the moral and physical effects of gross violation of the elective franchise have been deprived in many instances of any voice in the national and State representation, and elections have been a degrading and insulting farce in many portions of the loyal States. In the State of Kentucky, at the general election of 1863, most of the precincts of twenty counties were visited by military officers with detachments, the names of candidates were publicly erased from the poll lists, the officers determining who should be voted for, disregarding the laws of the Commonwealth of Kentucky. This conduct seemed partisan in its character, a crusade against the only political party that connects the present with the constitutional past. The number of votes reported in Kentucky were one hundred and eighty-three thousand, and but seventy-nine thousand of this number were cast. There were also military interferences with elections in the States of Maryland, Delaware, and Missouri upon an extensive scale in localities, as we have reason to believe; and this interference in the border States has made its appearance in some degree in the non-slaveholding States. As an auxiliary to the destructive partisan interference with elections, the press that could not be subsidized with the people's money has been muzzled by the Administration. An appeal to the constitutional provision, "Congress shall make no law abridging the freedom of speech or of the press, or of the right of the people peaceably to assemble and to petition the Government for a redress of grievances," has been pronounced treasonable, and made the cause of new insults and imprisonments. Does not the Administration, sir, understand that such a state of affairs in the loyal States endangers in those States that peace and good order so necessary in our present national afflictions? I do not hesitate to predict that a country based upon a constitutional, elective Govern-

ment cannot bear for any considerable time interference by force with the freedom of elections and survive as free, and no fixed and cherished national institutions perish except in blood.

It is said, sir, elections are free to all loyal men. Who judges of these rights and of loyalty? There is no law or fixed regulation by which the fact is established under this new universal liberty *regime*. Arbitary will controls it, sir, exercised with partisan zeal, and not for the welfare of the country. The President and the War Department deny issuing any orders sanctioning interference with elections in the States I have named. What are the people to understand when the head of the war power denies complicity with the gross outrages, and still retains those in confidence and office who with force have struck down the freedom of elections? Has there been any court of inquiry, any reprimand of the officers who have disgraced the cause of free Government by such conduct? None whatever. Sir, the President is responsible to the people for these outrages. The officers interfering were his subordinates and liable to be called to account by him for a violation of civil rights, and his omission to do so is a tacit approval of the wrongs. Sir, Edward of England, at a time elections were declared free, addressed a circular letter "to all the sheriffs, commanding them to give notice to the freeholders, citizens, and burgesses within their respective counties that our pleasure and commandment is that they shall choose and appoint, as nigh as they possibly may, men of knowledge and experience within the counties, cities, and boroughs; 'but, *nevertheless*, that where the *privy council* should' recommend men of learning and wisdom, in such case their directions be regarded and followed. Several persons accordingly were recommended by letters to the sheriffs and elected as knights for different shires, all of whom belonged to the court or were in places of trust about the king." Louis Napoleon declared a free election for first consul in France, but his military interfered with the electors and controlled the elections by *force*, and Napoleon declared himself elected by the *free suffrages* of France. Who doubts but Edward was responsible for the acts of his sheriffs and their posses, and Napoleon for the violence of his grenadiers? Sir, this mockery of law and of the rights of the people is not recent; it is written in blood upon the the pages of history, and when carried to its natural results nations have groaned and perished in its iron grasp.

Thus far the disturbance of the freedom of elections has been local and not so serious in its immediate or remote consequences as would have been had the elections been for a Chief Executive of the country. The people love the constitutional liberty of the country as they love life and honor. They forbear much patiently, hoping the dark clouds that envelop the nation may pass away, and leave it once more in the unobscured effulgence of constitutional liberty. No power can with impunity tax their patience beyond rational endurance. The election of a President by peaceful and constitutional means, whoever he may be, will satisfy the people; but the office usurped by force and fraud will place upon the brow of the incumbent a crown of thorns. In such lamentable case the usurpations of the Old World will rush across the public mind, nerving to manhood the weak and effeminate. Let us pause here and give heed to the voice of the past. An eminent British subject, who wrote in 1675, uttered sentiments in monarchial England that democratic America may profit by. He says, speaking of a Chief Executive:

"He acts also contrary to his trust when he either employs the force, treasure and officers of the society to corrupt the representatives, and gain them to his purposes, or openly pre-engages the electors and prescribes to their choice such whom he has by solicitations, threats, promises or otherwise, won to his designs." * * * *
"Thus to regulate candidates and electors, and new model the ways of election, what is it but to cut up the Government by the roots, and poison the very fountain of public security?" * *
"To prepare such an assembly as this, and endeavor to set up the declared abettors of his own will for the true representatives of the people and the lawmakers of the society, is certainly as great a breach of trust, and as perfect a declaration of a design to subvert the Government, as is possible to be met with. To which if one shall add rewards and punishments visibly employed to the same end, and all the arts of perverted law made use of to take off and destroy all that stand in the way of such design and will not comply and consent to betray the liberties of their country, it will be past doubt what is doing." * * * "And one cannot but see that he who has once attempted any such thing as this cannot any longer be trusted."—*Locke's Civil Government, page* 470, *tenth edition.*

I may be over-sensitive, sir, but I fear much enumerated by the writer is intended by the President. The reasons for such fear will be set forth in full before I close. I may say here, sir, the people *will* have a free election for President the coming fall; and I sincerely hope and am inclined to believe it will quietly be accorded them, notwithstanding the indecent ambition shown by the President and his oath-bound secret organizations for his re-election. What has this to do with the message? We shall see, sir. The policy of the President in issuing his proclamation must be read in the light of his past conduct and of the legislation of a congress a majority of whom are opposed to any and *all* conservative elements of the country.

Before I proceed to examine the future plans of the President and his supporters, I desire, sir, to pause and state my own convictions of duty and necessity under the present trials of the country. We, sir, are in the midst of a war that I believe could have been avoided by honorable compromises and mutual concessions, and that when the conflict

shall terminate, *all* who forced upon the country this calamity will be called to a fearful account for the deaths, woes, and calamities that unhallowed ambition and ever corroding fanaticism have brought upon a once happy, free, and prosperous people. I am no apologist for secession and rebellion. I believe the rebel States were not justifiable in the attempt to sever by force their relation to the United States and their allegiance to the constitutional Government. I deny that the Constitution gives any right of secession upon the arbitrary will of any State or States by force. The right of secession against the will of the General Government and other States, would defeat the ends intended to be secured by the Constitution. I am an advocate of State rights, and opposed to the modern notion of consolidated powers in the General Government, but the right to depart from the Union is not one of the rights reserved by the States. I am satisfied, sir, the Government has the right, and it is its duty, to enforce by the armed power of the nation submission and obedience to the Constitution and Union of the States.

The right of voluntary secession, though claimed by abolition Massachusetts and South Carolina years ago, would render our national Union a mockery, and subject the framers of the Government to the charge of unparalleled folly. The Administration and its supporters in office have the constitutional control of the Government, civil and military. Under it I see no hope of compromise and honorable nor forcible adjustment of the difficulties that environ the country. Sir, I have been and am in favor of furnishing all necessary means and men to maintain the national unity and overcome rebellion, if possible. To this end my votes have been given here and my counsel at home. I am satisfied this Administration does not intend to restore the Union, that its principal object is the slave; but as matters now stand I can see no alternative except to rely upon our Army and maintain it in the field. Opposed to the Federal Government is a large and desperate army and nearly eight million people, who are exasperated at the destruction, devastation, and numberless evils that accompany an invading army, and by the swarms of Government favorites who, as our Army advances, are let loose upon the population of the rebel States. These favorities are not soldiers; they do not slay, but fatten on the spoils of the dead. Sir, to withdraw our Army from the field would leave the people represented by the Army subject to conquest by the confederate arms, and the nation subject to dictation for terms of peace and indemnity on northern soil. We could expect nothing less.

After a bloody conflict of three years, which has aroused the grosser and most violent passions of the people on both sides, with the affairs of the nation under the control of fanatics, an absolute separation of the seceded States *must* be recognized *before* the cessation of hostilities, or the conquest of the Northern States, as an indemnity for losses, must follow the withdrawal of our army. I, sir, am not prepared for either alternative. This condition of affairs has arisen from the maladministration of the General Government. It has changed a legitimate war into an insane crusade, having for its object the remodeling of the mental, moral, social, and physical condition of three or four million African slaves. Still a mangled and distracted country looks for deliverance to conservative men; and if a safe deliverance is ever granted, it will be through such men. When the madness and folly of the hour subside, the conservative power of the country must take the reckoning, and enter upon its mission—the task of restoring the country and laws, surrounded by the difficulties the weakness and folly of the Administration have brought upon the nation. The first move in that direction is an appeal to the people. They will get right; they cannot indorse the cruel hypocrisy of the Administration; they can now see no faith can be put in its pledges. With our army to protect us for a season from Southern secessionists in arms, and the people at home with a free canvass and untrammeled elections, I hope the country may at last be rescued from the two disintegrating elements, treasonable secession and intolerant fanaticism; that adjustments may yet be made consistent with the honor, unity, and future repose of a great nation.

Sir, I desire peace and quiet to an overburdened and distracted people. I desire once more to witness the uninterrupted progress of the industrial pursuits of the country, the return of our commerce to its accustomed channels, and the progressive development of the arts and sciences. I desire returned to their families the thousands of patriots who now brave the dangers and toils of war. We cannot return the braves fallen in battle, nor can we restore to vigor the wrecked and disabled forms that bear the cruel marks of war. But the Administration by a wise policy could long since have stayed the work of death, and it can by its follies send misery to millions more of innocent hearts.

Is it wise, is it humane, to scatter death like the blasts of winter over every portion of the country, exacting the blood, toil, and substance of twenty million freemen in the outside work of forcing the African slave from his condition, and the experiment of pulling down the white population to a social and political equality with the negro—a relation which, if forced upon the people, could not last five years after despotic force is removed? The President has prolonged this war and destroyed the most valuable rights of a loyal people; has obliterated State lines, abrogated State constitutions and laws, and virtually declared the Union of the States under the Constitution shall not be permitted, to the end he may accomplish the abolition of slavery. And in this he is supported by the

Abolition, constitutional-hating majority in this House. The gentleman from Massachusetts on my right [Mr. Baldwin] said:

"'The Union as it was;' this is impossible. If we could go back to the past and have the Union precisely as it was, under the slave power for some years before the outbreak of this rebellion, what thoughtful man would desire it, in preference to going forward to something better?" * * * * "Is a return to all this, instead of deliverance from it, something to pray for?" * * * * "That volume of our history is now at a close. We are about to commence another. The contents of this new volume, unknown to us now, because we cannot lift the veil that hangs over the future, will be determined by the result of this contest, and especially by the policy that shall regulate the restoration of peace." * * * * "In the near future the nation will be 'all slave or all free.'" * * * * "Henceforth, if we have the Republic at all, we must have it as it ought to be, as its founders meant it should be."

Sir, this means we are to have no restoration of our cherished Union, under which we have grown strong and influential; that negro slavery shall be blotted out or the nation shall *not be free;* that our fathers did not intend the Government they adopted to be perpetual; that a new volume of history was about to be opened, separating the present from the past, a volume that shall discard the practical admonitions of Washington for the wild and treasonable frenzy of Massachusetts. Sir, such language can be found in the history of the radicals of France, but the volume of history there was opened in characters of blood and closed by the power of despotism; a Louis Philippe lost the throne, but a despot succeeded.

Sir, when this war burst upon the people, the President and his partisans hailed it as the star in the east, and resolved under the name of patriotism to pour out the blood of a faithful people for the principal purpose of realizing a morbid desire for the emancipation of the African. The design was concealed, and all honest men who saw through the deceit were by the *slaves* of *power* and *patronage* declared unfaithful to the country; and now after three years of blood and taxation the design is unmasked, because the President believes he has the power to strike down the citizen if he dare stand in the way of his negro-loving fanaticism. His proclamation of 1862 was issued to try the temper of the people and for no practicable end. In his message to the House of December, 1863, speaking of the emancipation of slaves and their enlistment in the army, he says:

"At home the same measures have been fully discussed, supported, criticised, and denounced, and the annual elections following are highly encouraging to those whose official duty it is to bear the country through this great trial. Thus we have the new reckoning: the crisis which threatened to divide the friends of the Union is passed."

It is declared by the President that the annual elections of 1863, that resulted in Republican majorities, were indorsements of his emancipation policy of freeing and placing the negro slave as an equal with the white soldier in the field. In the same document he says:

"Of those who were slaves at the beginning of the rebellion, full one hundred thousand are now in the United States military service, one-half of which actually bear arms in the ranks."

Sir, the people at the election of 1863 did not indorse the policy of the President as he claims. The issue was concealed and not made up; it unmasked on the 8th of December, 1863, for the first time. The leading men of his party prudently shrunk from the real issue in that election, and carried the elections under the *false* cry of Union and loyalty, called upon the people to restore the Union *under the Constitution*, and hurled the charge of sympathy with rebellion upon those who denied they were sincere. The President in his message admits that his negro edicts threatened the country; a crisis, a danger was involved, and with a knowledge of the jeopardy to the free Government of twenty million people he puts into experiment his favorite scheme, and for the realization of which he remorselessly uses the blood and substance of the nation. Upon paper he has assumed to blot out involuntary servitude; and to accomplish that end places the slave in our Army, relying upon the stringent power of military discipline to quarter him by the same camp-fire with the scar-worn veteran. The slave who is to be made the comrade of our heroic soldiers, after the rebellion had disorganized and weakened the State wherein he was held to servitude, had not the courage nor love of freedom to strike a manly blow, but quietly toiled upon the soil where the rebellion found him until our noble Army opened a safe mode of escape, and the War Department furnished transportation to some quiet nook where the orgies of abolitionism might confer a new order of knighthood on the sable trancendental hero. That portion of the proclamation and accompanying oath, and the *pretended* reconstruction of rebellious States can be comprehended only when read by light of the past and present acts of the President and Congress. The message proclamation, sir, assumes that all States which passed ordinances of secession are *out of the Union*, that *de facto* and as a matter of law, the Constitution of the United States and the constitution and laws of the several seceded States as to them are abrogated, and that an undefined right of control over those States lingers in the General Government. The President has placed the right of governmental interference in the preamble of his proclamation as follows:

"Whereas in and by the Constitution of the United States it is provided that the President shall have power to grant reprieves and pardons for offenses against the United States except in cases of impeachment."

The President, sir, does not explain by what logical process the power to grant par-

don confers upon him the right to reconstruct at his caprice a government in the rebellious States. If he possesses the power it must be traced to the provisions of the Constitution. He, by virtue of the organic law, and by virtue of that alone, is President of the United States and Commander-in-Chief of the army. That instrument clothes him with all legitimate power the people can confer upon him short of a revolution. This position as to power is correct, or it must follow the President is a *usurper*. If, sir, he acts under the Constitution, will some gentleman on the other side inform the House where in its provisions may be found the authority for his *imperial decree?* Certainly not in the power to respite sentences and pardon felons. The provision on that subject cited is simply one of clemency, where the demands of the criminal law cannot be turned aside by extenuating circumstances. It certainly confers no power requisite to create State governments, and adopt at his pleasure the *monstrous* doctrine of State suicide. The claim that "limited and conditional pardons accord with well-established judicial expositions of the pardoning power" cannot sustain the proclamation. The conditions, sir, by all judicial constructions, must attach to the criminal and his acts of omission or commission as imposed by the pardon, and not to his kindred, the citizens of his State, nor to the State as a people or political organization. Nor can the pardoning power impose conditions upon the culprit which would be in violation of the Constitution and laws of the United States, and you cannot arraign in gross as felons eight million people in any legal sense and apply the pardoning power. This would be equivalent to indicting *mankind;* and, sir, if such an absurdity were possible, as long as there is one man in the rebellious States guilty of no crime and loyal to the *constitutional* Government, no conditions that affect his rights as a citizen can be imposed, for it would be in violation of law. Violence and lawless power often confound the innocent with the guilty, but the law is chargeable with no such absurdity and outrage. The President's claim to reconstruct under the pardoning power is a pretext too transparent to require any extended examination. He at the same time *invokes* and *violates* the Constitution.

But, sir, the President has friends on this floor who abandon the *source* of authority pointed out by the President's message, and maintain his right "to admit into the Union" with new laws or *edicts*, and fractured constitutions, the rebellious States, under the following provision of the Constitution: "The United States shall guaranty to every State *in* this *Union* a republican form of government." If this provision is literally construed, and the theory of negroites, that the seceded States are no longer in the Union *as States*, is correct, then, sir, this provision is not applicable to the subject matter of the proclamation. Sir, it applies to States *in the Union*, and not to a case where State laws and constitutions have been *expunged*, and the States as bodies politic under the Constitution obliterated. But, sir, if I concede that, by reason of domain, the United States have the right within the area of the rebellious States to establish local governments, and receive the territory covered by them into the Union, the President under the broad concession cannot sustain his proclamation *unless* he can establish the fact *he* is the *United States*, that *he* is constitutionally both the *executive* and *legislative* power. I apprehend, sir, the clause referred to was intended to apply to the *kind* of government to be maintained, in contra distinction to a monarchy, oligarchy, or aristocracy. We must look to other provisions of the Constitution, sir, as to the modes of accomplishing the ends in the supposed case.

Article four, section three, of the Constitution provides for the admission into the Union of new States by Congress, and it is under this provision, if at all, the power is given. But, sir, the President cannot exercise any of the powers of Congress; he is not the legislative power; and any attempt to arrogate that power is a *tyrannical usurpation*, which, if tolerated, will serve as a precedent which will ultimately destroy representative government. I need not pause, sir, to establish the fact that Congress cannot delegate by prior or retroactive legislation any legislative power. I am therefore forced to the conclusion that the proclamation of the President can be sustained by *no* organic or statute law, and is a palpable violation of the trusts reposed in him, and an utter disregard of constitutional obligations.

Mr. Chairman, I have considered the subject thus far granting, for argument's sake, the premises that the rebellious States are out of the Union; that their ordinances of secession and the conflict of arms have sundered them from the political fabric. But, sir, I cannot pay that compliment to treason, nor could you on the other side of the House, Mr. Chairman, if the negro were not involved. He, in your estimation, is the talisman before which the liberty and the constitutional rights of the freemen of the country pale and expire. If the rebellious States have separated from the Union, they have sundered the strong bonds of the Constitution, as the vessel breaks the chain that confines her to the firm anchor.

Sir, I ask gentlemen on the other side of the House to inform me by what principles this departure from the body-politic has been accomplished? The ordinances of secession were treasonable and absolutely void. I presume no honorable gentleman on this floor will claim those ordinances had any legal force. If they had, then the Government had no right to oppose them. What is legal and binding cannot justly be resisted by force. The ordinances were void and criminal. Mr. Chairman, what further has transpired to change the *political* relation of those States to the Union? It can-

not be the fact of establishing *forms* of independent governments; the right to do this depended upon the *void* ordinances, and the foundation upon which they built was treason to the United States; this I trust will not sustain any claim of the guilty actors. Sir, there only remains that the secession and formation of pretended governments has been followed by a war of three years of various fortunes; but, sir, every soldier of the seceded States who has discharged a gun at our Army has committed an overt act of treason, (unless secession is a voluntary right,) and the many conflicts in the field have not yet changed the crime nor made rebellion legal; if they had, the civilized world and the country would have recognized the fact and put an end to the sanguinary conflict.

Mr. Chairman, when the rebellion broke upon the country, every State involved in it had a constitution and laws, which for years had been recognized by the executive, legislative, and judicial departments of the United States as republican in form, and binding upon its subjects, and entitled to the protection of the Government. (This, I suppose, is what the gentleman from Maryland [Mr. H. WINTER DAVIS] declared the folly of the fathers.) Sir, what has become of those constitutions and laws? Will any gentleman on this floor admit that void and treasonable ordinances, laws, and hostilities have abrogated them? I had supposed that a void could not destroy a valid law. We are only justified in the prosecution of this war upon the theory that all the acts of the rebellious States as such are absolutely void; that the constitutional Union, for the purpose of self-protection, confers a war power upon the Government Mr. Chairman, we must abandon our theory of treason or concede that the rebellion has not changed the constitution and laws existing in the States when they were involved in the treason. I am satisfied, sir, the true and rational principle is, that the old constitutions and laws in these States and of the United States are legally in force, and binding within their respective limits. All that is wanting is the power to enforce them; and to accomplish that end our Army is in the field.

I am aware, sir, that the officers of State have vacated, in the rebellious districts, their official positions, but this fact does not destroy the constitution and laws of the States; they provide for elections to fill vacancies, and expressly recognize the sovereignty of the people. The duty of this Government is simply by force to remove the treasonable obstructions in those States to the free action of the laws, and the vitality of the body-politic in every State will set in motion the functions of complete government. We are not, if we succeed in the contest, in the situation of conquerors of a foreign nation. We engaged in this war, sir, under the mandates of the Constitution, and its continuance cannot be justified except it be to restore the rebellious States with their old constitutions and laws to the Union under the Constitution of the United States. This, sir, is the basis of the much-abused doctrine, "the Union as it was and the Constitution as it is." The obstructions to the execution of national and State laws in the rebellious States would long since have terminated had the Administration desired to restore the Union and acted as zealously to that end as it has for the stupid negro. We are told it is not possible to restore the Union as it was. This is not true, unless it be admitted we cannot overcome the rebellious States. If you have the power, sir, to carry out one-tenth of the ruinous and unwise legislation of this and the preceding Congress, you have the force to put into successful action the organic and statutory laws of every rebellious State.

What, sir, is the Union as it was? Is it not the sovereign control of the Constitution and laws of the United States and of the several States subject to the delegated powers to the General Government, extending throughout the territory of the confederate States, each affecting and performing its functions within the territorial limits designated by its constitution and laws before the rebellion? Whether property of any kind has been destroyed by the iron tread of war, whether fields have been desolated and cities left in ruins, does not change the principle; the laws act on whatever remains when the resistance is overcome. The nature of the Government and the relation of the States in no manner depend, as far as the *Union* is concerned, upon the kind or quantity of property in the States, North or South; nor do I think it depends, after cessation of hostilities, upon the number of persons who have violated the laws of the United States in any or all of the States; and any unconstitutional proclamation or act interfering with property will in the end prove abortive. The question as to the rights of property and violations of law in the seceded States must ultimately be one for judicial determination, and never can be put to rest by the sword. War is an unnatural condition of society, political and social, necessarily limited in its duration and destructive in its career.

But, sir, there is a principle as unlimited in its duration as time, that neither war nor conquest can annihilate or subdue; it is rational liberty. Its *protégé* is man. Armed legions may walk over its prostrate form; merciless fanaticism, in her moments of frenzy, may assail it, but cannot entomb it with departed republics; it abides with man, and passes from generation to generation inextinguishable. It may be obscured for a time; but, as the crimson torrents of war subside, it guides and shapes the destiny of nations. It will not abandon a people worthy of its protection, nor will it abide with the coward slave. Its instruments are constitutions, laws, and the umpirage of a judiciary. To these from the surging sea of human passions we must return, or squander, in the frenzy of fanaticism and the grasping for unreal objects, the grandeur of the past. The sooner we retrace our steps and follow the footprints of the fathers the better for the country and humanity.

Sir, I have considered the authority to issue

the proclamation. I propose briefly now to examine the terms of the proclamation and the question of its design and probable effects. The proclamation, the President says, "to prevent misunderstanding," is intended "to present the people of the States wherein the national authority has been suspended and loyal State governments have been subverted, a mode in and by which the national authority may be re-established." It is well his Excellency gave the explanation, or the people, who have been familiar with the *majority rule* in the better days of the nation would not have suspected he intended to restore a government in these States *republican* in form, and restore an elective representation *under the Constitution*. His one-tenth vote is a joke a little too practical on the remaining nine-tenths of the voters in the designated States. Who, sir, are the electors through whom the President will establish a democratic form of government in Louisiana and the ten remaining States? One-tenth part of the voters of each State, as shown by the vote of 1860 for President. As to the character and antecedents of the electors who are to nurse this bantling of White House republicanism the President shall speak for himself. He says:

"Whereas it is now desired by some persons *heretofore engaged in said rebellion* to resume their allegiance to the United States, and to reinaugurate loyal State governments within and for their respective States: Therefore I, Abraham Lincoln, President of the United States, do proclaim, declare, and make known to all persons who have directly or by implication *participated* in the existing rebellion," &c.

Treason, sir, is the foundation of reconstruction, is to be the main pillar of universal liberty! Men who return from rebel battle-fields crimsoned with the blood of patriots, and who, for three years, have with cruel ferocity hunted down the Union-loving men of the seceded States, are the men who may constitute the one-tenth reconstruction basis, no matter, sir, if their reeking hands stain with the blood of recently slain patriots the parchment upon which the perjured oath is written; provided only they are content to be the slavish instruments of Mr. Lincoln, they are to be the warders of the inner temple of liberty and the equals of their recent slaves. The basis of our representative Government is that a majority controls. The President has discovered, however, that an oath of fealty to himself is equal to the votes of nine men, and the act of taking the oath and voting gives a plain constitutional majority. Sir, the President offers treason the fruits of its iniquity as a bribe, on condition the traitor will practically secure to him another term of office through the medium of *sham* electoral votes. I am not averse to adjustments, consistent with the honor of the country, which will revive the laws in the disaffected States; but a reconstruction upon the policy of the proclamation is an utter impossibility, and shocks all notions of representative Government. Sir, the imposed oath is intended to bind the conscience of the voter to violate the Constitution of the United States and the laws of his own State, and to bind the supposed freeman to support and maintain all future acts of Congress and proclamations of the President upon the subject of slavery.

The proclamation binds to acts that the old laws of the States make criminal; such an oath is not binding, morally or legally. But, sir, suppose it is taken by the requisite number, how long can it be relied upon? He who has raised his parricidal hand against his country, and the liberty and happiness of the people, and shelters from the penalties of treason under a *slavish oath*, will not regard its obligations when it is safe to abandon them.

The President, in his message of the 4th of July, 1861, says:

"It may well be questioned whether there is to-day a majority of legally qualified voters of any State except South Carolina in favor of disunion."

That must be the case to-day, unless the proclamations and unwise policy of the Administration have driven Union men in the South into secession. That there are loyal men in all the seceded States no one doubts, and the President's message placing the traitor and the Union man whose property he has destroyed and whose life he has compassed in such relations is monstrous. To require men who have stood in the South amid the dangers of treason, whose property has been destroyed, to take an oath contrary to any law, and insulting to an honorable manhood, will be chronicled as a monstrous tyranny.

This revolution has given birth to a system of oaths of which history makes no mention. Swearing seems to be the mania of the President. He seems confident of reconstructing the Union upon affidavits. He feels quite sure he can have the negro sworn into freedom and the white man sworn down to his level. Would you pass from the ranks of treason into the full-blown honors of the Republic for good or evil, you must swear. Would you exercise the sacred right of voting, you must swear by Lincoln and the negro. Would you hold position or rob the people, the President has some new-vamped oath which you have only to take. No matter if the oaths are void, the President has a penchant for them, and is satisfied the Constitution can be destroyed and restored by affidavits. If the Constitution had been a long affidavit, the President by proclamation, I presume, would declare it had not and could not be violated.

Mr. Chairman, the proclamation and acts of Congress relating to the States in rebellion do not look to a reconstruction of that constitutional Union; they relate to the negro. I am willing to leave him where the Constitution does, subject to the vicissitudes of war. I am not a slavery propagandist, nor am I an abolitionist; but, sir, you couple the abolition of slavery with the freedom and rights of citizens, and the long train of abuses the white man has been subjected to is traceable to your abolition schemes. Millions of money have been expended in furtherance of those designs; the war has been prolonged and the strife ren-

dered more deadly by your policy. Sir, the Government now is enlisting in our army negroes, not to fight our battles, but to furnish an excuse of emancipation. An act of Congress of this session provides for paying bounties to them, and taxing the people to purchase their freedom. Sir, under that act the War Department takes the lame and the old, takes the women and children, under pretense of recruiting, and conveys them within the lines. The pretense that we depend upon the negro to fight our battles is the false scheme of abolitionism. Let no man be deceived; not one white man less will be called out by reason of negro recruits in the army. The enormous call of seven hundred thousand men was made that we might have white men sufficient in the draft, without depending upon the prowess of negro slaves as soldiers. Sir, arms are put into the hands of that class to accomplish their freedom, and sooner or later, if it be necessary to that end, abolition fanatics, and negroes will turn these arms against the people. The affair bears the marks of the incipient move toward the scenes of St. Domingo. The effort to equalize the negro and depress the white man will be futile. Call the cause prejudice, or what you will, laws and society are made up by the aggregate mind, and that mind is composed of reason, passions, likes and dislikes, which must be respected by the lawgiver, and can never be destroyed by any force.

Sir, our large Army is depleting the labor of the country; millions cease to be producers and are consumers. And you still remove from plantations in loyal States and within the lines of our Army the negro, who might upon the soil safely become a producer for the benefit of the country. Hundreds and thousands are daily brought in as additional burdens upon the over-taxed people. Gentlemen on the other side of the House say they are our children and incapable of taking care of themselves, and we must provide for them. Sir, these incompetents are the negro soldiers an abolition press prates so much about. Sir, the negro policy of the Administration has already cost the country millions of dollars to be raised by taxation, and if the people will not in a proper manner stop it, will sow the seeds of war and strife for generations. You say slavery is the cause of the war. It was caused by the ambition of men, and slavery seized as an excuse for partisan ends. But, sir, if it was the cause of the war is it wise to adopt a policy which will furnish ample causes for future wars? In your efforts to remove the cause you may slay the dragon, but, sir, you sow his teeth, from which will spring up armed men in deadly and blind strife from generation to generation. Your course, sir, is cruelty to the army, the producing and laboring classes of the loyal States. You tax their toil and blood to ultimately bring by their sides the competition of negro labor and negro social relations. A member on this floor has stated our Army is an abolition Army. This, sir, is not correct. The gentleman mistakes the Army. It feels keenly the negro-enlisting policy, but laws of discipline place the soldier where he is compelled for the present to submit, and he who supposes our soldiers are abolitionized does them great injustice.

Mr. Chairman, I would be ready to expend all the available means of the country to restore the Union and laws and insure the safety of the country; but, sir, the people will pause and inquire what this favorite scheme of emancipation is costing the nation. The value of all real and personal property in the States not in secession, as estimated in 1860, was $10,957,530,561. This sum covers much unproductive land. Our indebtedness at this time is more than one-third of this value, with an expense of over one million dollars per day, adding to the present debt. With the increase of indebtedness that it is reasonable to expect from the course of the administration, three years' longer conflict will leave upon us a debt exceeding the entire value of the property of the loyal States. Gentlemen on this floor figure the sums, and declare the labor of the country by small contributions from each year's earning can keep down the interest of this debt. Sir, upon all the property included in the estimate labor cannot earn more than two and a half per cent upon the capital of the country, while the enormous debt calls upon the produce of labor upon capital for not less than six per cent. How long can any nation endure this, and how long will it be before capital will own the entire labor of the country; the laboring classes become subjected to the capitalists not of this country only, but of Europe? Sir, with three years' more continuance of prodigality and current expenses not a man in the country will be worth one dollar; the Government lien for taxes will be equal to all his effects. All personal property and labor is now taxed, and direct taxation upon lands must soon follow.

I desire to notice, before closing, one or two remarks, sir, of the gentleman from Maryland, [Mr. H. WINTER DAVIS.] In his remarks in the House, he said:

"But it is necessary now to determine our policy respecting the negroes when freed; to form some definite ideas as to what shall be the future of the negro race; in other words, what disposition we will make of them when we have broken the masters' yoke, when Maryland shall have broken it hereafter, when Missouri shall have finally broken it, when West Virginia shall have finally broken it, and when slavery in all the rebel States shall have been destroyed and broken up in fact."

I understand from this he desires the abolition of slavery by the war power or some other means; but those who are familiar with the tortuous course of the gentleman politically, and know the fact that he appears upon the surface only when some trouble or violence distracts his district, will not receive his convictions as those of his State, or even of the district he represents, without further knowledge than the mere fact of a commission and seat in this House. The honorable member also opposes colonization of the emancipated negro, and desires him to remain with the white population in the midst of which he has been a slave; the gentleman insists that there is no

danger of a war of races, and that the African can obtain and quietly retain a position as a freeman with those who have held him as a slave, and he puts to members the sophistical inquiry following:

"Mr. Speaker, what is the foundation of this view? The negro must be colonized if he be free, or a war of races will exterminate him! What justifies this alternative? Will gentlemen tell me where in the history of the world they find the fact upon which they base that astounding generalization? Civilized people have overborne savages, men of one religion have borne down men of a different religion, ambition has overturned one nation by another; but where in the history of the world is there any case of a nation going to work to exterminate a large portion of its people of another race living in the midst of it, of the same religion, civilized in the same manner, conforming to its laws, subject to its will, willing to work for its wages, not ambitious, and not disturbing the public peace, because they are of a different race? Where is the instance in the history of the world of the subjugation and massacre of a different race under these circumstances?

Living in the midst of it, of the same religion, civilized in the same manner, conforming to its laws, subject to its will, willing to work for its wages, not ambitious and not disturbing the public peace. Why, sir, the gentleman supposes a state of facts which he cannot show is applicable to the case. Not ambitious, subject to the will of the whites, conforming to the laws of the country, civilized in the same manner, not disturbing the public peace! The gentleman takes for granted that all these suppositions will prove correct if the negro is emancipated, and draws deductions from a state of facts created by his imagination. Sir, will the emancipated negro slave, under the influence of a morbid abolitionism, conform to the will of the nation, will he be willing to labor, will he be unambitious, will he not be the cause of the disturbance of the public peace?

All of these questions must be settled before the conclusions of the member from the Baltimore district can be sustained. Sir, he supposes a state of facts that does not exist in history. The emancipated slave will be jealous of his newly conferred position; the white man will ill consent to be jostled by the black barbarian. The difference of cast will constantly remind the one of his former inferior position, and beget an insolence toward his superior and former master.

The white man will not forget that the negro has been his slave and inferior, and the sudden legal and political equality of the races will be the source of annoyance to the superior race, and of jealousy and hatred to the inferior. The difference of color will continue these remembrances from one generation to another. The negro will either be ambitious, or be to all intents a slave, though nominally free. His struggles for a practical equality will be resisted and engender the contempt and anger of his superior.

Nor will he be civilized by the same means the white man is. The latter finds civilization by the workings of his indomitable will; the negro civilizes only as he comes in contact with his superior. He is raised and improved, not by his own, but by the will and energies of another race, and when he passes beyond this influence he relapses into barbarism. Will he labor? Sir, when left to himself he is the child of indolence. It is well known the free negro labors better in the slave than in the non-slaveholding States. This results from two causes; firstly, the example of slave labor; secondly, the more complete influence of the white race over the black in States where a large proportion of them are held in slavery.

Sir, if all the slaveholding States see fit to emancipate the slave in a legal manner, involving no violence, I would be willing to witness the fact and pleased at its accomplishment. But, sir, emancipation and forcing an equality between the races are different matters. But abolitionists will not be satisfied with emancipation. They will press the equality and mingling of the races until a war of extermination will destroy the negro or drive him back again to bondage. Sir, we cannot remodel mankind by legislation. We must take the races with their differences, their passions and prejudices, and if we are wise will act with reference to them for the best interests of all.

Mr. Chairman, St. Domingo has been referred to. The war in the island originated during the French Revolution, and not, as I read the history of the times, because the French Assembly had freed the negroes, but because emancipationists had tampered with the negro, conferred on the free negro the right of voting, and afterwards denied the right; had placed arms in the hands of the free negro, and inspired him with a desire of equality with the white residents, which they indignantly rejected; and here, after the first steps towards equality in the French portion of the island, began the fearful war of races; the negro being the stronger exterminated the white race to all intents.

But, sir, what was the condition of Hayti after the negro became the master of the land? The products of the island were merely nominal, those branches of industry requiring considerable labor were neglected, and it was declared in the constitution of 1806 that no *white man* should hold landed property in the island. In 1789 the population in the French portion of the island was as follows, to wit: whites, 30,826; free people of color, 27,548; slaves, 465,429. Of this number the *white* population were by the constitution of 1806, entirely prohibited from holding *landed property* as before stated, and for the reason they were *whites*. The negroes had the *power* and at once destroyed the property rights of the less numerous and defeated race.

The state of industry after the independence is shown by the following statistics from the principal port of the country: clayed sugar under the French Government in 1789, the export annually exceeded 47,500,000 French pounds, and diminished under Toussaint's Government to 16,500 pounds, and under Pitiou's

rule to 198 pounds in 1818, and in 1820 to 2,700 pounds. The article of coffee for export in 1798 under French rule was 76,835,219 pounds, in 1801 it declined to 43,420,270 pounds, from 1819 to 1824 it was about 35,000,000 pounds, and in 1826 about 32,000,000 pounds.

It is useless to follow the matter further. The British historian admits industry declined after the independence of Hayti.

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